
Appeal Decision

Site visit made on 18 June 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2025

Appeal Ref: APP/E2001/W/24/3355951

The Leys, Hornsea, HU18 1ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lucien Eid against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/02278/PLF.
 - The development proposed is described as a new detached dwelling – revised proposal to approval ref 21/02456/PLF, granted 25th November 2021.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The East Riding Local Plan Update 2025-2039 Strategy Document Update April 2025 (the Local Plan) and the East Riding Design Code April 2025 were adopted on 2 April 2025. The Local Plan supersedes the East Riding Local Plan 2012-2029 Strategy Document Adopted April 2016 (the superseded Local Plan) which formed part of the development plan at the time of the Council's decision.
3. The Council has confirmed that the Local Plan update makes only minor changes to the policy wording of relevant policies and that these changes do not alter the basis for the Council's reasons for refusal. Both parties have had an opportunity to provide comments. I have therefore determined the appeal based on the current policies in the Local Plan.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and Appearance

5. The appeal site forms part of the original garden area to Lapstone, which is a detached two-storey dwelling. It is accessed off a private road known as Springbank Avenue, which becomes The Leys. Springbank Avenue is characterised by a mix of single-storey and one-and-a-half-storey dwellings, as well as two-storey detached dwelling. The Leys is predominantly comprised of

substantially larger, older detached dwellings arranged over two and two-and-a-half storeys, set within spacious, verdant plots. Immediately to the south of the site is Farrant's Way, a modern residential development and to the west of the site lies the Hollis Recreation Ground, which accommodates Hornsea Cricket Club alongside a range of other formal outdoor sporting facilities.

6. Planning permission¹ has been granted for a single storey dwelling within the plot. However, the appeal proposal would involve the construction of a larger dwelling, which the appellant describes as being one and a half storeys on account of the first-floor accommodation being partially within the roof space. The proposed dwelling would occupy a similar footprint to the previously approved dwelling but would include the provision on an attached 'garden room' close to the boundary with Lapstone.
7. The proposed dwelling would be taller than the approved dwelling with an overall ridge height of approximately 6.3 metres, and an increased eave's height of approximately 4.3 metres, and 2.5 where there are single storey elements. In this respect, the overall ridge height would be increased by approximately 564mm and would sit below the ridge line of the neighbouring property, Lapstone. The appellant also states that the ridge height of the western and eastern elevations would be practically the same. However, the eaves height would be approximately 2.1 metres taller than has previously been found to be acceptable.
8. I accept that there is notable variation in the size, design, and style of nearby properties and that the proposed development would not be prominently visible due to its corner plot location between Lapstone and Beech Hollow. However, its layout and orientation would not reflect the established pattern along The Leys, which is characterised by spacious, well-proportioned plots. In contrast, the proposed dwelling, due to its proximity to the front and side boundaries, would appear at odds with this character. As a result, the proposed dwelling would appear disproportionate in relation to the size of the plot and the more spacious character of the area. Moreover, its scale, bulk, and massing would appear unduly dominant in relation to the plot, further exacerbating its incongruous presence within the area.
9. Therefore, whilst it is not disputed that the appeal site is a good-sized plot, the proposed development would nevertheless appear as a cramped and incongruous development which is at odds with the more spacious prevailing character of the area. For these reasons, the proposed dwelling would not be of a high quality design that demonstrates an understanding of the wider context in which it sits.
10. The Council has raised no concerns regarding the use of modern materials in the construction of the proposed dwelling. Based on the evidence before me and my own observations I see no reason to disagree with this conclusion. However, this does not alter my above findings.
11. Consequently, I therefore find that the proposed development would cause unacceptable harm to the character and appearance of the area. Thus, it would be contrary to Policy ENV1 of the ERLP, which requires amongst other things, high quality design that demonstrates regard for the specific characteristics of the site's wider context and the character of the surrounding area, and be of an appropriate layout, scale, density, massing, height and materials.

¹Application Ref: 21/02456/PLF

Living Conditions – Neighbouring Occupiers

12. The appeal site shares a boundary with Nos. 9, 10 and 11 Farrant's Way, which are detached two storey dwellings. The appeal site is separated from these properties by a 2.2-metre-high fence, these properties are also situated on lower ground than the appeal site. The south elevation of the proposed dwelling would run along most of the length of this boundary, but in particular across the full-length of the boundary with No.10.
13. Whilst I acknowledge that certain sections of the proposed dwelling would be positioned marginally further from the boundary, other parts would be situated closer. The overall height of the proposed structure would increase by approximately 564mm. However, the height of the eaves would be increased by approximately 2 metres. In relation to outlook, the proposed dwelling would be located within close proximity to the boundary, and on higher ground.
14. Therefore, although it was previously determined that a single-storey dwelling with eaves at a height comparable to the existing boundary fence did not result in an unacceptable impact on the outlook of neighbouring properties, the proposed increase in eaves height would significantly alter this relationship with substantially more of the dwelling being visible from the neighbouring properties. Given the scale, massing, and proximity of the proposed development, I conclude that it would have an overbearing presence and would unacceptably dominate the outlook from Nos. 9, 10, and 11.
15. The proposed plans show a large window opening which would face towards the garden area of Beech Hollow. Whilst there would be intervening features, such as fences, a garage and some existing screening, due to its size and proximity there is potential for overlooking to occur. The appellant has suggested that this could be overcome by imposing a suitably worded planning condition to ensure that this window would be obscure glazed. Based on the evidence before me and my own observations, I am satisfied that this would be sufficient to prevent harm arising as a result of overlooking.
16. For the above reasons, whilst I have concluded that the loss of privacy to Beech Hollow could be overcome by imposition of a suitably worded planning condition, the proposed development would cause unacceptable harm to the living conditions of the occupiers of Nos. 9,10 and 11 Farrant's Way, with particular regard to outlook. Thus, it would be contrary to Policy ENV1, which requires amongst other things, development to have regard to the amenity of existing or proposed properties.

Other Matters

17. The appeal site is located outside of, but adjacent to the Hornsea Conservation Area (the HCA) boundary. As the appeal site is located outside of the HCA boundary, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area does not apply. Nonetheless, it would still be located within the setting of this designated heritage asset.
18. The significance of the HCA is derived from its development as a small town which grew towards the sea with the arrival of the railway. The Council's Conservation

Officer confirmed that the proposed development would be viewed in the context of the modern development which surrounds it and would not cause harm to the setting of the HCA. Thus, it would preserve the special character and appearance of the setting of the conservation area. Based on the evidence before me and my own observations, I see no reason to disagree.

19. I recognise that the proposal would provide an additional house in a location where new housing development has been considered acceptable in principle by the Council. However, the social, economic and environmental benefits associated with a single dwelling are limited on account of the scale of development and attract limited, albeit positive weight in favour of the proposal.
20. I have had regard to the appellant's position that the Council's reasoning is based on an incorrect assessment of the proposal, a matter which the Council disputes. However, these differences in opinion have had no bearing on my above findings.

Conclusion

21. For the reasons set out above, the proposed development conflict with the development plan taken as a whole. There are no material considerations, including the Framework, of sufficient weight which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR